

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Frank Rico Disalvo

Docket No. 5:12-CR-42-1F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Frank Rico Disalvo, who, upon an earlier plea of guilty to Mail Fraud, 18 U.S.C. § 1341, and Wire Fraud, 18 U.S.C. § 1343, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on December 18, 2012, to the custody of the Bureau of Prisons for a term of 41 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Frank Rico Disalvo was released from custody on August 15, 2014, at which time the term of supervised release commenced.

On April 21, 2015, Disalvo was reported to the court via Petition for Action following a positive urine test for marijuana. The probation officer recommended supervision be continued but modified to require Disalvo to participate in a cognitive behavioral program as directed by the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 23, 2015, Disalvo submitted to urine testing and result was positive for marijuana. He admitted making a bad decision and to using marijuana despite being enrolled in the cognitive behavioral program. He has been admonished for his negative behavior and will have to repeat some of the steps required to finish the 12 step cognitive program. Additionally, we are recommending Disalvo serve two days in jail as a sanction and deterrence to future drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ John A. Cooper

John A. Cooper

U.S. Probation Officer

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Executed On: August 11, 2015

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ORDER OF THE COURT

Considered and ordered this 11th day of August, 2015 and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge